

**To:** 'North, John'[jnorth@mt.gov]  
**From:** Laidlaw, Tina  
**Sent:** Thur 1/9/2014 8:19:17 PM  
**Subject:** RE: Rule Changes

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Thanks John! I will forward to Erin.

**From:** North, John [mailto:jnorth@mt.gov]  
**Sent:** Thursday, January 09, 2014 12:56 PM  
**To:** Laidlaw, Tina  
**Subject:** Rule Changes

The new language would actually go in the circular. The first paragraph of Section 2.0 would read:

Because the treatment of wastewater to base numeric nutrient standards in 2011 would have resulted in substantial and widespread economic impacts on a statewide basis (§75-5 -313 (5)(a), MCA), a permittee who meets the end-of-pipe treatment requirements provided below in **Table 12B-1** may apply for and the Department shall approve a general nutrient standards variance ( "general variance") (§75-5 -313(5)(b), MCA). The requirement in **Table 12B-1** expire on July 1, 2017. Those requirements may be extended or modified in a rulemaking proceeding conducted by the Department. The Department will process the general variance request through the discharge permit and include information on the period of the variance and the interim requirements. A person may apply for a general variance for either total phosphorus or total nitrogen, or both. The general variance may be established for a period not to exceed 20 years. A compliance schedule to meet the treatment requirements shown in **Table 12B-1** may be granted on a case-by-case basis. The final permit limit will be expressed as a load only

New Rule I is attached. The nonseverability section in the Board's rules would read:

(2) If a court of competent jurisdiction declares 75-5-313, MCA, or any portion of that statute invalid, or if the United States Environmental Protection Agency disapproves 75-5-313, MCA, or any portion of that statute, under 30 CFR 131.21, or if rules adopted pursuant to 75-5-313(6) or (7), MCA, expire and general variances are not available, then (1)(e) and all references to DEQ-12A, base numeric nutrient standards and nutrient standards variances in ARM 17.30.201 , 17.30.507, 17.30.516, 17.30 .602, 17.30.622 through 17.30.629, 17.30.635, 17.30.702, and 17.30.715 are void, and the narrative water quality standards contained in ARM 17.30.637 are the standards for total nitrogen and total

phosphorus in surface water, except for the Clark Fork River, for which the standards are the numeric standards in ARM 17.30.631.